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110TH CONGRESS
2D SESSION

H. R. 6386

To amend title XVIII of the Social Security Act to extend and revise incentive payments for physician scarcity areas under part B of the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2008

Mr. MCCARTHY of California introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to extend and revise incentive payments for physician scarcity areas under part B of the Medicare Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 **SECTION 1. EXTENSION AND REVISION OF MEDICARE IN-**
4 **CENTIVE PAYMENTS FOR PHYSICIAN SCAR-**
5 **CITY AREAS.**

6 (a) 5-YEAR EXTENSION.—Paragraph (1) of section
7 1833(u) of the Social Security Act (42 U.S.C. 1395l(u))
8 is amended by striking “2008” and inserting “2012”.

1 (b) CHANGE IN ELIGIBILITY CRITERIA.—Such sec-
2 tion is further amended—

3 (1) in paragraph (1)(A)—

4 (A) by inserting “or paragraph (8), as the
5 case may be” after “paragraph (4)”; and

6 (B) by inserting “(or 2.5 percent in the
7 cases specified in paragraph (8))” after “5 per-
8 cent”;

9 (2) in each of clauses (i) and (ii) of paragraph
10 (2)(C), by inserting “and paragraph (8)” after “in
11 this paragraph”;

12 (3) in paragraph (3), by striking “The Sec-
13 retary” and inserting “For years before 2009, the
14 Secretary”;

15 (4) in paragraph (4)(A), by striking “The Sec-
16 retary” and inserting “For years before 2009, the
17 Secretary”; and

18 (5) by adding at the end the following new
19 paragraph:

20 “(8) NEW RULES FOR SCARCITY AREAS.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B)(ii), in applying paragraph (1) in the
23 case of physicians’ services furnished on or
24 after July 1, 2008—

1 “(i) the term ‘primary care scarcity
2 county’ means a county (or equivalent
3 area) which the Secretary identifies as hav-
4 ing a primary care ratio (as determined
5 under paragraph (2)(C)(i)) of less than 1
6 to 150;

7 “(ii) the term ‘specialist care scarcity
8 county’ means a county (or equivalent
9 area) which the Secretary identifies as hav-
10 ing a specialist care ratio (as determined
11 under paragraph (2)(C)(ii)) of less than 1
12 to 150;

13 “(iii) for physicians’ services furnished
14 by a primary care physician in a primary
15 care scarcity county (as defined in clause
16 (i)) which the Secretary identifies under
17 such clause as having a primary care ratio
18 of more than 1 to 300, ‘2.5 percent’ shall
19 be substituted for ‘5 percent’ in paragraph
20 (1); and

21 “(iv) for physicians’ services furnished
22 by a physician, who is not a primary care
23 physician, in a specialist care scarcity
24 county (as defined in clause (ii)) which the
25 Secretary identifies under such clause as

1 having a specialist care ratio of more than
2 1 to 300, ‘2.5 percent’ shall be substituted
3 for ‘5 percent’ in paragraph (1).

4 The provisions of subparagraphs (B) through
5 (D) of paragraph (4) shall apply to identifica-
6 tion of counties under this subparagraph in the
7 same manner as they apply to the identification
8 of counties under subparagraph (A) of para-
9 graph (4).

10 “(B) REVIEW OF RATIOS.—

11 “(i) STUDY.—The Secretary, in con-
12 sultation with the Medicare Payment Advi-
13 sory Commission and the Comptroller Gen-
14 eral of the United States, shall conduct a
15 study to better determine whether the pri-
16 mary and specialist care ratios applied
17 under subparagraph (A) are appropriate to
18 provide the proper incentive payments for
19 physician scarcity areas.

20 “(ii) AUTHORITY TO APPLY DIF-
21 FERENT RATIOS.—In the case of physi-
22 cians’ services furnished on or after such
23 date (no earlier than January 1, 2012) as
24 the Secretary may specify, if the Secretary
25 determines based on the study conducted

1 under clause (i) that other ratios should be
2 substituted for the 1-to-300 and 1-to-150
3 ratios specified in subparagraph (A), the
4 Secretary may substitute such other ratios
5 in applying such subparagraph.”.

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